

Christine O. Gregoire

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Director



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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MEMORANDUM

August 26, 1988

TO: Colbert Cleanup Committee Members

(b) (6) - ?  
Bill Dobratz - County Utilities  
Bruce Foreman - Kytanice  
(b) (6) - local citizen  
John McBride - County Commissioner  
(b) (6) - ?  
Jay Rea - EWSU facilitator  
Dennis Scott - County Utilities, Director  
(b) (6) - ?

FROM: Mike Blum - Mike Blum

SUBJECT: Update on the Colbert Landfill Consent Decree

I am sending you this memo to let you all know where the consent decree process is at. We are getting close to finalization of the decree, but unfortunately it has been progressing at a very slow pace. The consent decree negotiation period ended May 12, 1988. Since that time, both the decree and scope of work have been highly scrutinized by all parties involved. Many delays, in my opinion, are due to the cumbersome and bureaucratic Federal government (i.e., a lot of wheels spinning, but unfortunately, not a lot of forward progress).

The latest delay in the finalization of the consent decree concerns "mixed funding" for the cleanup. Mixed funding is money from the governments to pay a portion of the cleanup cost which should really be paid for by one or more responsible parties who have not agreed to participate in the cleanup. Those funds will probably be recovered through legal actions against the non-settling responsible parties. Both EPA and Ecology will be providing mixed funding to the Colbert project. Ecology and EPA have different requirements to provide and/or apply for mixed funding. Ecology's mixed funding process is complete. EPA's mixed funding process required Spokane County to complete an application for those funds. Their application was eventually rejected by an EPA headquarters "bureaucrat" and a revised application is being worked on by the County.

*no guidance*

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Superfund Branch



*only on decree*

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The most recent projection for lodging the decree with the Federal court in Spokane is the middle of September. That will trigger the start of the public comment period, which will last 30 days. Ecology is planning a public meeting in middle-to-late September. At that meeting, we will describe (i.e., translate) the contents of the consent decree documents, both the legal and technical aspects. Multiple copies of the decree and scope of work will be available at the information repositories (Spokane Library, Ecology's regional office, etc.) for review during the comment period. I will make sure that you all receive your own copies of those documents as soon as they are available for distribution.

A fact sheet announcing the public comment period, date and location of the public meeting, where to send written comments, and highlights of the consent decree documents will probably be mailed out in the beginning of September. That fact sheet will be mailed to all people on Ecology's Colbert Landfill mailing list (about 400 names).

*1. Comments to DOJ  
2. Comments to WDOE*

Ecology and EPA/Department of Justice (DOJ) will accept either written or oral comments at the public meeting. Also, written comments may be mailed in for those unable to attend the public meeting. Ecology, EPA and DOJ will write a joint "responsiveness summary" which is a compilation of the comments received and our response to those comments. We will attempt to answer as many questions/comments/concerns as possible at the public meeting. The responsiveness summary, along with all original comments, consent decree, and scope of work will then be given to the Federal judge for his/her consideration. Once the judge feels that all issues have been adequately addressed, the decree will become effective and the design work can begin.

*why 9/1  
Community Ecology  
EPA*

I believe that I share in your frustration the slow pace at which this consent decree process is proceeding. Ecology has completed its portion of the process and it is now in the Federal arena. My hope is that once the decree is lodged, commented upon, and entered (approved and signed) that the design and construction phases will move along a much more rapid pace. I want you all to realize that the delays since May 12, 1988, have not been the responsibility of Spokane County, KeyTronic or Fairchild Air Force Base. Speaking of Fairchild, they will be entering into a separate consent decree with Ecology and an intergovernmental agreement with EPA. Those documents will follow the same public review and comment process as the other decree and the timing should be identical.

I would like you all to attend the public meeting, if at all possible. I think we all deserve some recognition for the time and effort we put into the Colbert Cleanup Committee. I really have enjoyed working with all of you, and I hope that the Colbert Cleanup Committee or some form of it can continue to meet. I know that for myself, most of the meetings were very helpful and informative. I like having communication channels which are open and honest.

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Please, if you have any questions or concerns, or would just like to talk, give me a call at (206) 438-3043, or call on our toll free number 1-800-458-0920, leave a message, and I will get back to you as soon as possible. Hang in there, I see light at the end of the tunnel, and I don't think it is the light from an oncoming train.

MB:sjm